

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

AARON HIRSCH, individually and on behalf of all others similarly situated,	:	
	:	
	:	
Plaintiff,	:	Civil Action No. 4:18-cv-00245-P
	:	
v.	:	
	:	
	:	
USHEALTH ADVISORS, LLC and USHEALTH GROUP, INC.,	:	
	:	
	:	
Defendants.	:	

PLAINTIFF’S MOTION FOR CLASS CERTIFICATION

Plaintiff Aaron Hirsch (“Plaintiff”) respectfully moves this Court, pursuant to Rule 23(a) and (b)(3) of the Federal Rules of Civil Procedure and LR 23.2(b)(2), for an order certifying the following class (“Class”) of consumers:

All natural persons in the United States who, from March 29, 2014 to the date of the order of the Court approving class certification: who (a) received more than one telephone solicitation call in a 12-month period made by or on behalf of USHealth more than 31 days after registering the landline, wireless, cell or mobile telephone number on which they received those calls with the National Do-Not-Call Registry, or (b) received one or more calls after registering the landline, wireless, cell, or mobile telephone number on which they received the calls with USHealth’s internal Do-Not-Call list.

Plaintiff also seeks to certify a Maryland Subclass of members of the Class who are residents of the State of Maryland based on claims arising under the Maryland TCPA:

The “Maryland Subclass,” consisting of all natural persons who are members of the Class who are residents of the State of Maryland.

Plaintiff also moves for the appointment of Aaron Hirsch to serve as the Class Representative, for the appointment of Berger Montague PC as Class Counsel, pursuant to Federal Rule of Civil Procedure 23(g), and the appointment of the Law Office of Jim Zadeh, P.C. as Liaison Counsel.

As demonstrated in the accompanying Memorandum of Law and the supporting papers filed in the Appendix thereto, Plaintiff has demonstrated that each of the requisites for class certification under Rule 23 and Local Rule 23.2 have been met, the proposed Class is definable and ascertainable and that Plaintiff has standing to assert the claims alleged.

Plaintiff submits a Proposed Order herewith.

Dated: May 1, 2020

Respectfully submitted,

/s/ Michael Dell'Angelo

Michael Dell'Angelo
Lane L. Vines
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
mdellangelo@bm.net
lvines@bm.net

Max F. Maccoby
WASHINGTON GLOBAL LAW GROUP PLLC
1701 Pennsylvania Avenue, NW, Suite 200
Washington, D.C. 2006
Telephone: (202) 248-5439
Facsimile: (202) 580-6559
maccoby@washglobal-law.com

Jamshyd (Jim) M. Zadeh
LAW OFFICE OF JIM ZADEH, P.C.
1555 Rio Grande Avenue
Fort Worth, TX 76102
Telephone: (817) 335-5100
jim@zadehfirm.com

Warren T. Burns (TX Bar No. 24053119)
BURNS CHAREST LLP
900 Jackson Street, Suite 500
Dallas, TX 75202
Telephone: (469) 904-4550
Facsimile: (469) 444-5002
wburns@burnscharest.com

Attorneys for Plaintiff and the Proposed Class

CERTIFICATE OF CONFERENCE

Pursuant to LR 7.2(b), I hereby certify that on April 24, 2020, counsel for Plaintiff and the Proposed Classes emailed counsel for Defendants regarding Plaintiff's intention to file a Motion for Class Certification. By email sent on April 30, 2020, counsel for Defendants advised that they do not consent to the Motion.

/s/ Michael Dell'Angelo
Michael Dell'Angelo
Lane L. Vines
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
mdellangelo@bm.net

Attorneys for Plaintiff and the Proposed Classes

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2020, I electronically filed the foregoing document with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Michael Dell'Angelo

Michael Dell'Angelo